**REMARKS/ARGUMENTS**

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicants will now address each of the issues raised in the outstanding Office Action.

**Rejections under 35 U.S.C. § 102**

Claims 1, 4-20, 28, 31-47, 55 and 56 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application No. 2004/103024 ("the Patel publication"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Independent claims 1 and 28, as amended, are not anticipated by the Patel publication because the Patel publication neither teaches (a) that ad landing pages are ***automatically*** selected from a plurality of candidate landing page ads and that the ads are ***automatically***

assembled to include a link to the selected ad landing page, nor (b) that the performance tracked includes the performance of the automatically selected ad landing pages in combination with an ad, ***such that, for the ad, a performance for each of the plurality of candidate landing pages linked from the ad when serving the ad is separately tracked.***

First, in rejecting claims 1 and 28, the Examiner contends that "[i]n creating an ad to be served the creator (advertisers) selects the ad landing page (target). This is a necessary step in the creation of an ad that is to be served." Paper No. 20070904, page 2. The Examiner then goes on to cite paragraph [0187] of the Patel publication as teaching "automatically generating."

However, the phrase "automatically generating" cited by the Examiner concerns the automatic generation of ***offers*** which may include different creatives, product price points, and publisher incentive levels. Paragraph [0187] of the Patel publication does not indicate that one of a plurality of candidate ad landing pages is selected and automatically assembled with an ad to be served. The Patel publication describes a creative as "[t]he concept, design, and artwork that go into a given ad." (See the Patel publication, [0698].) In light of this description, paragraph [0187] of the Patel publication provides an example of three different creative designs which may all have the same landing page. The Examiner's own example shows that different landing pages in the Patel publication are <u>not</u> required. Therefore, the cited portions of the Patel publication do not teach that ***landing pages are automatically selected from a plurality of candidate landing page ads and that***

***the ads are automatically generated to include a link to the selected ad landing page.*** As the Examiner notes above, in the Patel publication it is the advertiser that manually selects the target landing page.

Next, the Examiner cited paragraph [0104] of the Patel publication as teaching that the tracking of click-throughs and conversions for an ad is done in combination with the automatically selected ad landing page. However, paragraph [0104] of the Patel publication does not teach that the performance of the ad, in combination with the individual ad landing pages, ***is separately tracked***. That is, the Patel publication does not teach that performance information of the individual ad landing pages are separately tracked (and stored, and maintained).

As shown by element 480 of Figure 4 in the present application, the performance information is maintained on a ***per ad landing page basis***. This advantageously facilitates the comparison of the performances of the plurality of candidate ad landing pages. Thus, the Patel publication does not teach this. Embodiments consistent with the claimed invention can provide a more granular level of performance tracking, which is not taught in the Patel publication.

To further clarify this feature, claims 1 and 28 have been amended to more clearly indicate that the performance tracked includes the performance of the automatically selected ad landing pages in combination with an ad, ***such that, for the ad, a performance for each of the plurality of candidate landing pages linked from the ad when serving the ad is separately tracked***.

Thus, independent claims 1 and 28, as amended, are not anticipated by the Patel publication for at least the foregoing reasons. Since, claims 4-12 depend, either directly or indirectly, from claim 1, and since claims 31-39 depend, either directly or indirectly, from claim 28, these claims are similarly not anticipated by the Patel publication.

Claims 5 and 32 depend on claims 1 and 28, respectively. Therefore, claims 5 and 32 are not anticipated by the Patel Publication for at least the same reasons as discussed above. In addition, claims 5 and 32 further recite that a "designation" of one of the plurality of candidate ad landing pages is done automatically using a comparison of the respective performances of the ad landing pages and an auto-designation policy. In rejecting claims 5 and 32, the Examiner cites paragraph [0203] of the Patel publication as teaching this feature. (See, Paper No. 20070904, page 3.) The applicants respectfully disagree.

In the present application, it is determined whether or not the best performing ad landing page is better than the others to such an extent that the landing page should be ***designated*** under an auto-designation policy. If so, the "best" performing ad landing page is designated for use in future serves of the ad. (See page 19, lines 13-17 and Figure 7.)

Even if the cited portion of the Patel publication describes an automated mechanism to specify conditions under which an ad is to be accepted or discontinue[d] based on the performance, it does not teach that a landing page should be designated for use in ads served

using a comparison of the respective performances of the ad landing pages and an auto-designation policy. Rather it describes accepting or discontinuing the use of the entire ad.

Thus, claims 5 and 32 are not anticipated by the Patel publication for at least the foregoing reasons. Since claims 6 and 33 depend from claims 5 and 32, respectively, these claims are similarly not anticipated by the Patel publication for at least this additional reason.

Independent claims 13, 16, 19, 40, 43, 46, as amended, and independent claims 55 and 56 are not anticipated by the Patel publication for reasons similar to those discussed above with reference to claims 1 and 28. Since claims 14 and 15 depend from claim 13, claims 17 and 18 depend from claim 16, claim 20 depends from claim 19, claims 41 and 42 depend from claim 40, claims 44 and 45 depend from claim 43, and claim 47 depends from claim 46, these claims are similarly not anticipated by the Patel publication.

In addition, independent claims 16 and 43, as amended, further recite tracking of the ad in combination with the automatically selected ad landing page ***and ad serving criteria*** combination, such that, for the ad, a performance for each of the plurality of {ad landing page, ad serving criteria} combinations, used when serving the ad, is separately tracked. Ad serving criteria includes targeting keywords that are used to serve the ads. (See, e.g., page 21, line 24 through page 22, line 3.)

The Patel publication does not teach the use of serving or targeting constraints such as keywords. Therefore, the Patel publication does not teach **tracking the performance of an ad in combination with the automatically selected ad landing page *and* ad serving criteria combination.**

Thus, claims 16 and 43, as amended, are not anticipated by the Patel publication for at least this additional reason.

**Rejections under 35 U.S.C. § 103**

Claims 2, 3, 29 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Patel publication and further in view of U.S. Patent No. 7,047,242 ("the Ponte patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 2, 3, 29 and 30 depend from claims 1 and 28, respectively. These claims are not rendered obvious by the Patel publication and the Ponte patent since the proposed combination would not compensate for the deficiencies of the Patel publication with respect to claims 1 and 28 discussed above, regardless of the scope of the purported teachings of the Ponte patent, and regardless of the presence or absence of a reason for one skilled in the art to combine these references. Consequently, claims 2, 3, 29 and 30 are not rendered obvious by the cited references for at least the reasons discussed above with reference to claims 1 and 28.

**Conclusion**

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Any arguments made in this amendment pertain ***only*** to the specific aspects of the invention ***claimed***. Any claim amendments or cancellations, and any arguments, are made ***without prejudice to, or disclaimer of***, the applicants' right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Respectfully submitted,

December 11, 2007

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

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Date